

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

HHH CHOICES HEALTH PLAN, LLC, *et al.*,

Debtors.

Chapter 11

Case No. 15-11158-MEW

Case No. 15-13264

Case No. 16-10028

(Jointly Administered)

x

SEAN SOUTHARD, as Plan Administrator
of the Amended Chapter 11 Plan of Liquidation for
HEBREW HOSPITAL SENIOR HOUSING, INC.,

Adversary Proceeding No.

17-01240-MEW

Plaintiff,

19 Civ. 1339 (AT)

v.

MARY FRANCES BARRETT, BRIAN PERINO,
PETER SANNA, PETER CUTAIA, ALAN PEARCE,
CHARLES GOLDBERGER, MICHAEL LAUB,
MARVIN LIFSON, DONNA JAKUBOVITZ,
EDWARD SCHECTER, LEON SILVERMAN,
and DAVID KERSHNER,

Defendants.

x

**ORDER GRANTING PLAINTIFF'S
MOTION TO WITHDRAW THE REFERENCE**

This matter comes before the Court on a renewed motion to withdraw the reference of the above adversary proceeding to the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Court"), pursuant to 28 U.S.C. § 157(d), for "cause shown." (19 Civ. 1339 (AT) -ECF-8).

WHEREAS, On February 12, 2019, Plaintiff moved pursuant to 28 U.S.C. §157(d), Federal Rules of Bankruptcy Procedure Rule 5011, and Local Bankruptcy Rule 5011-1 for the

entry of an order directing the withdrawal of the reference to the Bankruptcy Court (19 Civ. 1339 (AT) -ECF-1);

WHEREAS, On March 28, 2019, the United States District Court for the Southern District of New York entered an order denying the Motion “without prejudice to its renewal if and when the Bankruptcy Court certifies that the adversary proceeding is ready for trial.” (19 Civ. 1339 (AT) ECF 7);

WHEREAS, On November 15, 2019, the United States Bankruptcy Court for the Southern District of New York (“Bankruptcy Court”) entered a Report and Recommendation Regarding Pretrial Motions;

WHEREAS, On November 26, 2019, the parties submitted to the Bankruptcy Court an agreed-to form of order providing that “pretrial proceedings in this action are completed, the action is ready for trial and Plaintiff may refile his Motion to Withdraw the Reference to the District Court” and the Bankruptcy Court entered an order to that effect on the same date. (17 Ad. Proc. 01240 (MEW) ECF 124 & 125;

WHEREAS, On December 2, 2019, Plaintiff renewed his Motion to Withdraw the Reference to the Bankruptcy Court (19 Civ. 1339 (AT) ECF 8);

WHEREAS, On December 13, 2019, each party filed in the Bankruptcy Court objections to the Bankruptcy Court’s Report and Recommendations Regarding Pretrial Motions, which objections will be heard by this Court;

WHEREAS, Pursuant to Local Civil Rule 6.1(b), Defendants had until December 16, 2019, to file any opposing papers in response to the renewed motion to withdraw the reference;

WHEREAS, Defendants have not filed any papers in response to Plaintiff’s renewed motion;

WHEREAS, The Court has reviewed the renewed motion to withdraw the reference and supporting papers and, there being no opposition, finds that there is good cause to grant the motion;

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's renewed motion to withdraw the reference (19 Civ. 01339, ECF No. 8) is hereby **GRANTED**; and
2. The Court **WITHDRAWS THE REFERENCE** in the above-captioned case with regard to all defendants and with regard to all causes of action.

SO ORDERED.

Dated: January 2, 2020
New York, New York



ANALISA TORRES
United States District Judge